

day of March 1893, North 78 3/4 degrees, East 35 perches to a stone planted, thence North 10 degrees, East 15.8 perches to a stone planted; thence North 7½ degrees, East 7.4 perches to a stone planted near a spring; thence North 57 degrees, West 37.25 perches to a stone planted on the 10th line of the aforesaid deed thence North 84 degrees, West 38.25 perches to a stone planted at the end of the 10th line; thence 43 3/4 degrees West 2.25 perches to a stone planted; thence South 33½ degrees East 60 perches to a span oak tree standing at the beginning of this part; containing 13 acres, 3 roods and 15 square perches, more or less.

Said tract or parcel of land being all in the same real estate as described and conveyed in a deed from Maynard Fisher and Lena V. Fisher, his wife, to Anthony W. Smith and Edna J. Smith, his wife, (the said Anthony W. Smith having predeceased your said Complainant and title having vested in your Complainant), dated January 11, 1958 and recorded in Liber 613, folio 409, one of the Land Records of Frederick County, Maryland, a certified copy of said deed being filed herewith and marked Plaintiffs' "Exhibit I", and prayed to be taken as a part hereof.

SECOND: That said tract or parcel of real estate which is the subject of these proceedings is the same tract or parcel of land described and conveyed in a deed from George D. Gaver and Martha E. Gaver, his wife, to Philip C. Fisher and John H. Fisher (jointly), dated December 19, 1893, and recorded in Liber 613, folio 406, one of the Land Records of Frederick County, Maryland, said deed being filed herewith and marked Plaintiffs' "Exhibit II", and prayed to be taken as a part hereof.

THIRD: Thereafter, the said Philip C. Fisher, and John H. Fisher, prior to their death which occurred on or about August 1937, delivered the deed, "Exhibit II", and actually joint possession of the said property to Maynard Fisher and his brother Keefer I. Fisher, but failed to execute and deliver a deed for said tract